
Introduced by Senator Peace

February 12, 2002

An act to amend Section 6253 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1386, as introduced, Peace. Public records.

The California Public Records Act requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure by express provisions of law, and upon payment of fees to cover costs. Existing law also requires a state department or agency to enact and maintain a permanent privacy policy that includes, among other provisions, a means for protecting personal data the department or agency collects against unauthorized disclosure, as specified.

This bill would specify that the provision requiring a privacy policy is among those express provisions of law that may exempt a public record from disclosure.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6253 of the Government Code is
2 amended to read:
3 6253. (a) Public records are open to inspection at all times
4 during the office hours of the state or local agency and every
5 person has a right to inspect any public record, except as hereafter
6 provided. Any reasonably segregable portion of a record shall be



1 available for inspection by any person requesting the record after
2 deletion of the portions that are exempted by law.

3 (b) Except with respect to public records exempt from
4 disclosure by express provisions of law, *including Section*
5 *11019.9*, each state or local agency, upon a request for a copy of
6 records that reasonably describes an identifiable record or records,
7 shall make the records promptly available to any person upon
8 payment of fees covering direct costs of duplication, or a statutory
9 fee if applicable. Upon request, an exact copy shall be provided
10 unless impracticable to do so.

11 (c) Each agency, upon a request for a copy of records, shall,
12 within 10 days from receipt of the request, determine whether the
13 request, in whole or in part, seeks copies of disclosable public
14 records in the possession of the agency and shall promptly notify
15 the person making the request of the determination and the reasons
16 therefor. In unusual circumstances, the time limit prescribed in this
17 section may be extended by written notice by the head of the
18 agency or his or her designee to the person making the request,
19 setting forth the reasons for the extension and the date on which
20 a determination is expected to be dispatched. No notice shall
21 specify a date that would result in an extension for more than 14
22 days. When the agency dispatches the determination, and if the
23 agency determines that the request seeks disclosable public
24 records, the agency shall state the estimated date and time when the
25 records will be made available. As used in this section, “unusual
26 circumstances” means the following, but only to the extent
27 reasonably necessary to the proper processing of the particular
28 request:

29 (1) The need to search for and collect the requested records
30 from field facilities or other establishments that are separate from
31 the office processing the request.

32 (2) The need to search for, collect, and appropriately examine
33 a voluminous amount of separate and distinct records that are
34 demanded in a single request.

35 (3) The need for consultation, which shall be conducted with
36 all practicable speed, with another agency having substantial
37 interest in the determination of the request or among two or more
38 components of the agency having substantial subject matter
39 interest therein.



1 (4) The need to compile data, to write programming language
2 or a computer program, or to construct a computer report to extract
3 data.

4 (d) Nothing in this chapter shall be construed to permit an
5 agency to delay or obstruct the inspection or copying of public
6 records. The notification of denial of any request for records
7 required by Section 6255 shall set forth the names and titles or
8 positions of each person responsible for the denial.

9 (e) Except as otherwise prohibited by law, a state or local
10 agency may adopt requirements for itself that allow for faster,
11 more efficient, or greater access to records than prescribed by the
12 minimum standards set forth in this chapter.

